

## **9-02.05 [Approval of Partitions]**

### **9-02.05-10 [Creation of a Public Street Outside a Subdivision]**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
1. The establishment of a public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one (1) acre or of such size and characteristics as to make it impossible to develop building sites for more than three (3) dwellings units.
- B. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City Planning Commission at least thirty (30) days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 9-02.07-10 and 9-02.09-30 of these regulations, shall be approved with conditions necessary to preserve these standards.

### **9-02.05-20 [Creation of Private Street Outside a Subdivision]**

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 9-02.05-10 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two (2) parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City Planning Commission at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

### **9-02.05-30 [Partitioning Procedure]**

A partition shall be approved under the following procedure:

- A. There shall be submitted to the Planning Commission a tracing of fifteen (15) copies of a tentative plan 8½ by 11 inches, or 18 by 24 inches in size with the following information:
1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
  2. Name and address of the record owner and of the person who prepared the tentative plan;

3. Approximate acreage of the land under a single ownership or, if more than one (1) ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;
  4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles;
  5. Outline and location of existing buildings to remain in place;
  6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements;
  7. One (1) copy of the recorded survey of the parcels;
  8. Such additional information as required by the Planning Commission;
- B. Except as provided for in subsection C below, within forty (40) days from the first regular Planning Commission meeting, filing submission of a tentative plan for a partitioning, and in accordance with the Type III permit provisions, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons thereof.
- C. If the location or type of land is not such as has been defined by the Planning Director as eligible for a Type II approval, or if the proposed partitioning does not appear to comply with the requirements for routine approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal will comply with this code. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided;
- D. When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map;
- E. The provisions of Section 9-02.03-10 apply to review of a major partition.
- F. Partition Approval Criteria: Approval of a land partition shall be based on the subdivision approval criteria in Section 9-02.03.20 D.